

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Sections 12-15 and 12-16 as follows:

6 (720 ILCS 5/12-15) (from Ch. 38, par. 12-15)

7 Sec. 12-15. Criminal sexual abuse.

8 (a) The accused commits criminal sexual abuse if he or she:

9 (1) commits an act of sexual conduct by the use of
10 force or threat of force; or

11 (2) commits an act of sexual conduct and the accused
12 knew that the victim was unable to understand the nature of
13 the act or was unable to give knowing consent.

14 (b) The accused commits criminal sexual abuse if the
15 accused was under 17 years of age and commits an act of sexual
16 penetration or sexual conduct with a victim who was at least 9
17 years of age but under 17 years of age when the act was
18 committed.

19 (c) The accused commits criminal sexual abuse if he or she
20 commits an act of sexual penetration or sexual conduct with a
21 victim who was at least 13 years of age but under 17 years of
22 age and the accused was less than 5 years older than the
23 victim.

24 (c-5) The accused commits criminal sexual abuse if he or
25 she commits an act of sexual conduct with a victim who is at
26 least 18 years of age and under 20 years of age when the act was
27 committed and who is a student attending classes at a public or
28 private secondary school and the accused held a position of
29 trust, authority, or supervision in relation to the victim at
30 the same school.

31 (d) Sentence. Criminal sexual abuse for a violation of
32 subsection (b) or (c) of this Section is a Class A misdemeanor.

1 Criminal sexual abuse for a violation of paragraph (1) or (2)
2 of subsection (a) or subsection (c-5) of this Section is a
3 Class 4 felony. A second or subsequent conviction for a
4 violation of subsection (a) of this Section is a Class 2
5 felony. For purposes of this Section it is a second or
6 subsequent conviction if the accused has at any time been
7 convicted under this Section or under any similar statute of
8 this State or any other state for any offense involving sexual
9 abuse or sexual assault that is substantially equivalent to or
10 more serious than the sexual abuse prohibited under this
11 Section.

12 (Source: P.A. 91-389, eff. 1-1-00.)

13 (720 ILCS 5/12-16) (from Ch. 38, par. 12-16)

14 Sec. 12-16. Aggravated Criminal Sexual Abuse.

15 (a) The accused commits aggravated criminal sexual abuse if
16 he or she commits criminal sexual abuse as defined in
17 subsection (a) of Section 12-15 of this Code and any of the
18 following aggravating circumstances existed during, or for the
19 purposes of paragraph (7) of this subsection (a) as part of the
20 same course of conduct as, the commission of the offense:

21 (1) the accused displayed, threatened to use or used a
22 dangerous weapon or any object fashioned or utilized in
23 such a manner as to lead the victim under the circumstances
24 reasonably to believe it to be a dangerous weapon; or

25 (2) the accused caused bodily harm to the victim; or

26 (3) the victim was 60 years of age or over when the
27 offense was committed; or

28 (4) the victim was a physically handicapped person; or

29 (5) the accused acted in such a manner as to threaten
30 or endanger the life of the victim or any other person; or

31 (6) the criminal sexual abuse was perpetrated during
32 the course of the commission or attempted commission of any
33 other felony by the accused; or

34 (7) the accused delivered (by injection, inhalation,
35 ingestion, transfer of possession, or any other means) to

1 the victim without his or her consent, or by threat or
2 deception, and for other than medical purposes, any
3 controlled substance.

4 (b) The accused commits aggravated criminal sexual abuse if
5 he or she commits an act of sexual conduct with a victim who
6 was under 18 years of age when the act was committed and the
7 accused was a family member.

8 (c) The accused commits aggravated criminal sexual abuse
9 if:

10 (1) the accused was 17 years of age or over and (i)
11 commits an act of sexual conduct with a victim who was
12 under 13 years of age when the act was committed; or (ii)
13 commits an act of sexual conduct with a victim who was at
14 least 13 years of age but under 17 years of age when the
15 act was committed and the accused used force or threat of
16 force to commit the act; or

17 (2) the accused was under 17 years of age and (i)
18 commits an act of sexual conduct with a victim who was
19 under 9 years of age when the act was committed; or (ii)
20 commits an act of sexual conduct with a victim who was at
21 least 9 years of age but under 17 years of age when the act
22 was committed and the accused used force or threat of force
23 to commit the act.

24 (d) The accused commits aggravated criminal sexual abuse if
25 he or she commits an act of sexual penetration or sexual
26 conduct with a victim who was at least 13 years of age but
27 under 17 years of age and the accused was at least 5 years
28 older than the victim.

29 (e) The accused commits aggravated criminal sexual abuse if
30 he or she commits an act of sexual conduct with a victim who
31 was a severely or profoundly mentally retarded person at the
32 time the act was committed.

33 (f) The accused commits aggravated criminal sexual abuse if
34 he or she commits an act of sexual conduct with a victim who
35 was at least 13 years of age but under 18 years of age when the
36 act was committed and the accused was 17 years of age or over

1 and held a position of trust, authority or supervision in
2 relation to the victim.

3 (f-5) The accused commits aggravated criminal sexual abuse
4 if he or she commits an act of sexual penetration with a victim
5 who is at least 18 years of age and under 20 years of age when
6 the act was committed and who is a student attending classes at
7 a public or private secondary school and the accused held a
8 position of trust, authority, or supervision in relation to the
9 victim at the same school.

10 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
11 felony.

12 (Source: P.A. 92-434, eff. 1-1-02.)